

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/797,765

Confirmation No.: 3955

Appellant(s): Poyhonen, Petteri

Filed: March 10, 2004

Art Unit: 2617

Examiner: Gonzalez, Amanico

Title: SYSTEM AND METHOD FOR ESTABLISHING A SESSION INITIATION
PROTOCOL COMMUNICATION SESSION WITH A MOBILE TERMINAL

Customer No.: 10949

FILED VIA USPTO E-FILING

Commissioner for Patents

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REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

This Reply Brief is filed in response to the Examiner's Answer mailed on August 31, 2011, the Examiner's Answer being in response to an Appeal Brief filed June 10, 2011. This Reply Brief addresses various points raised by the Examiner's Answer.

7. *Argument.*

As explained in the Appeal Brief at pages 5-13, Appellant respectfully submits that the claimed invention is patentably distinct from Barany, Silverman and Adams, whether taken individually or in combination. Accordingly, Appellant respectfully requests reconsideration and reversal of the rejections of Claims 1-54.

In reply to the Examiner's Answer, Appellants again submit that Barany, Silverman and Adams, whether taken individually or in combination, fail to teach or suggest each and every recited feature of the claimed invention. The Examiner's Answer is, in large part, simply a reiteration of the claim rejections offered in the final Official Action of January 4, 2011 and the arguments offered in the Advisory Action of February 28, 2011. As such, Appellants respectfully submit that since the Appeal Brief pointed out the flaws in the Examiner's reasoning with respect to these rejections, no further discussion of the issues previously addressed need be presented herein. Rather, Appellants will herein simply respond to the specific assertions from the final

paragraph of the “Response to Argument” section of the Examiner’s Answer (page 20), which follows the Examiner’s reiteration of the Advisory Action of February 28, 2011.

A. Claims 1-4, 7-12, 14, 16-21, 23, 25-30, 32-39, 43-48 and 52-54 are Patentable

The Examiner states in this paragraph that “given the fact that Barany does disclose . . . a proxy that receives call requests from an originating terminal, performs registration for said originating terminal and INVITES other terminal, from what follows [sic] that since the CSCF module 40, which is a (Session Initiation Protocol) SIP proxy or server, is capable of receiving call requests on behalf of other entities, and also has the capability of inviting users for communication sessions, it follows that the call request it received is intended for a user which it is capable of inviting, which is shown in [0023], thus inherently disclosing the argued feature and the limitations of the aforementioned independent claims.”

Appellant fails to see how the fact that the call request received in Barany is intended for a user which it is capable of inviting inherently discloses each and every element of the independent claims. As explained in the Appeal Brief, independent Claims 1, 10, 19, 28, 37 and 46 recite, in one form or another triggering the terminal (or an apparatus) or identifying the terminal (or an apparatus) independent of the network for which a communication session may ultimately be established. Even if the call request received by the CSCF module of Barany is intended for a user which it is capable of inviting, this does not mean that Barany’s SIP INVITE (alleged trigger) is network-independent and prepared for transmission based on a network-independent identity. And further, nowhere does Barany disclose that its SIP INVITE triggers a registration update including acquisition of a network-dependent identity.

Applicant further reiterates that the network-independent trigger is more than simply a communication between SIP proxy and terminating node or client, as suggested by the Examiner in the Advisory Action and Examiner’s Answer. Rather, the network-independent trigger is “network independent.” That is, the network-independent trigger is a communication independent of the network via which the connection request is received. Appellant submits that any interpretation of the recited trigger that does not consider that the trigger is explicitly recited as being “network-independent” impermissibly fails to give all words in the claim their normal meaning, as required. *See Ex parte Maurice Givens, Appeal No. 2009-003414, Application No.*

11/265,973 (BPAI Aug. 6, 2009) (holding that an interpretation of a claim that fails to give weight to words in a claim deprives the respective words of their normal meaning).

Appellant therefore respectfully submits that independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Barany.

B. Claims 5, 13, 22, 31, 40 and 49 are Patentable

Pending Claims 5, 13, 22, 31, 40 and 49 stand rejected as being unpatentable over Barany, in view of Silverman. As explained above, independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Barany. Appellant respectfully submits that Silverman does not cure the deficiencies of Barany. That is, even considering Silverman, neither Barany nor Silverman, taken individually or in any proper combination, teaches or suggests the aforementioned terminal-triggering feature, as recited by the claimed invention. And there is no apparent reason for one skilled in the art still to modify Barany with the teachings of Silverman in an effort to obviate the claimed invention. Thus, for at least the foregoing reasons as well as those given above with respect to independent Claims 1, 10, 19, 28, 37 and 46, Claims 6, 15, 24, 33, 42 and 51 are also patentably distinct from Barany, in view of Silverman.

C. Claims 6, 15, 24, 33, 42 and 51 are Patentable

Pending Claims 6, 15, 24, 33, 42 and 51 stand rejected as being unpatentable over Barany, in view of Adams. As explained above, independent Claims 1, 10, 19, 28, 37 and 46, and by dependency Claims 2-9, 11-18, 20-27, 29-36, 38-45 and 47-54, are patentably distinct from Barany. Appellant respectfully submits that Adams does not cure the deficiencies of Barany. That is, even considering Adams, neither Barany nor Adams, taken individually or in any proper combination, teaches or suggests the aforementioned terminal-triggering feature, as recited by the claimed invention. And there is no apparent reason for one skilled in the art still to modify Barany with the teachings of Adams in an effort to obviate the claimed invention. Thus, for at least the foregoing reasons as well as those given above with respect to independent

Claims 1, 10, 19, 28, 37 and 46, Claims 6, 15, 24, 33, 42 and 51 are also patentably distinct from Barany, in view of Adams.

CONCLUSION

For at least the foregoing reasons, as well as those presented in the Appeal Brief, Appellants respectfully request that the rejections be reversed.

Respectfully submitted,

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LEGAL02/32934917v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON OCTOBER 31, 2011.